

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PROCEDURES FOR EXEMPTION OF ADD-ON AND MODIFIED PART(S) FOR
ON ROAD VEHICLES/ENGINES**

Public Hearing Date: July 23, 2020
Public Availability Date: December 2, 2020
Deadline for Public Comment: December 17, 2020

At its July 23, 2020, public hearing, the California Air Resources Board (CARB or Board) approved for adoption the proposed amendments to sections 2222 (e) and 2224 (b), title 13 California Code of Regulations which incorporates the new Procedures for the Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website: <https://ww2.arb.ca.gov/rulemaking/2020/ampts2020>

The text of the modified regulatory language is shown in Attachment A. The originally proposed regulatory language is shown in ~~strike through~~ to indicate deletions and underline to indicate additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachment A.

Summary of Proposed Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. In section V(c), staff is proposing to modify the demonstrations the manufacturer must make to show that onboard diagnostic (OBD) system performance will not be negatively impacted by the aftermarket device. Manufacturers will be required, at a minimum, to demonstrate that the OBD system sets readiness monitors as designed with the device installed.

Validating that the OBD system reports accurate data stream parameters to a scan tool meeting SAE J1978 specification or to a scan tool designed to communicate with an SAE J1939 network, and that in-use monitoring performance of the OBD system is not affected by the aftermarket device, shall be required when the Executive Officer determines based on an engineering analysis that such demonstrations are needed to ensure the OBD system continues to operate as designed. Comments received by industry claimed manufacturers would not be reasonably capable of demonstrating that OBD systems will detect malfunctions before exceeding the applicable emission thresholds. CARB staff agrees with industry on this point, and is proposing to delete the emission threshold demonstration requirement from the procedures.

2. In section VI(d)(2), staff is proposing to add a paragraph informing manufacturers that new exemption applications submitted concurrently can be combined into one new issued exemption Executive Order. Applications must share the same device name, description, and applicable original equipment manufacturer (OEM) (except when combined under the same test group or engine family). Each application submission will be evaluated as a unique separate application.
3. In section VIII; staff is proposing the allowance of adding reference, part, or kit numbers to the label.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications consist primarily of provision clarifications that do not alter the compliance responses. Therefore, no additional environmental analysis or recirculation of the analysis is required.

Agency Contacts

Richard Muradliyan, Air Resources Engineer, at (626) 575-6798 or (designated back-up contact) Jackie Lourenco, Branch Chief, at (626) 450-6152.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerks' Office at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: December 2, 2020

Attachment

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://www.CARB.ca.gov) (www.ARB.ca.gov).